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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Kevin Lloyd Grimes

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05/09/2006

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EXAMINER

YENKE, BRIAN P

ART UNIT

PAPER NUMBER

2622

DATE MAILED: 05/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/056,914	Applicant(s) GRIMES ET AL.	
	Examiner BRIAN P. YENKE	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment (17 Feb 06).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,9-17,19 and 21-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,9-17,19 and 21-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Upon further review/updated search, the examiner is providing a new Non-Final Rejection, in lieu of previously indicated allowable claims. Any inconvenience caused to the applicant is regretted. Regarding newly added claims 32-33, the examiner has not included these into the rejection below by rejecting claims 1-6, 9-17, 19 and 21-31 (in lieu of providing a restriction), since the subject matter is patentably distinct from the other pending claims. The newly added claims recite displaying a corrective image during a time period manually schedule by a user, whereas claims 1-31 recite determining/tracking based upon users viewing habits. If the applicant deems that these are not patentable distinct inventions, the examiner would like the applicant to clarify so on the record.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-6, 9-17, 19 and 21-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hicks, US 6,429,894 in view of Takase et al., US 6,504,534 and Rosser, US 6,446,261.

In considering claims 1, 5, 9-10, 16-17, 21, and 30-31

a)-b) *the claimed identifying active display elements...* is met by CRT aging indicators which may include an unequalized CRT burn time (col 2, line 61 to col 3, line 49)

c) the claimed detecting when the display unit is turned off is met by microcomputer 34 (Fig 2) which monitors when the television is in the off-state (block 50) and whether the television has been placed in the on-state by monitoring a power-on control signal (col 9k, line 52-67).

e) the claimed displaying a corrective image on the identified non-active display elements... is met where microcomputer 34 directs the video pattern generator 32 to generate the internal video signal (Sint) which is used to equalize the burn-in rates of the entire region of the display screen (col 12, line 13-29).

However, Hicks does not explicitly recite determining if the display is going to remain off for an extended time period.

Although, the determining if a display will remain off is conventional, the examiner nonetheless incorporates Takase which discloses that based upon the length of the state determines whether to operate a screen saver (i.e. no video signal present) and also conserve the CRT by turning off the power circuit.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Hicks which discloses maintaining an even burn-in on a display based upon the type of signal received, by also, determining if the display is going to be off for a period of time (extended time period) in order to conserve the CRT by displaying a screen saver and turning of the power circuit when no video signal is present for a period of time.

However, the combination of Hicks/Takase does not explicitly recite tracking a user's viewing habits...as claimed.

The practice/concept of tracking a user's viewing habits and storing the times of on/off are conventional in the art as evidenced by Rosser which discloses tracking a user's viewing

Art Unit: 2622

habits and storing the relevant data (i.e. type of program watched, time of day, day of week, duration of program...) which may be used to provide customized user burn-ins (col 5, line 8-25; col 7, line 21-45; col 8, line 11-19; col 9, line 8-16; col 9, line 49-63; col 10, line 60-65; col 11, line 26-61; col 12, line 63 to col 13, line 12; col 14, line 41-47; col 15, line 13-28).

In considering claims 2-4,

Hicks discloses a system which detects an external video signal (Sext), where microcomputer 34 can determine the aspect ratio of the external video signal by comparing for each video field the active video versus total video for a horizontal line and/or a number of lines (col 5, line 61 to col 6, line 13). The determination/detection can also be performed by detecting a signal aspect ratio indicator encoded within the external video signal. Based upon the type of display used (i.e. 4:3 or 16:9 aspect ratio), would determine whether a received signal was a standard external video signal (Sext) (i.e. a received 4:3 signal on 4:3 display) or non-standard external video signal (Sext-ntsd) (i.e. a received 16:9 signal on a 4:3 display). Hicks discloses that based upon the type of display used would determine whether a 4:3 or 16:9 signal would be a standard or a non-standard external signal. Hicks discloses that if a received signal is standard (i.e. aspect-ratio matches that of the display) then an un-even burn-in rate of the CRT will not occur, or non-standard which means that an un-even burn-in rate will occur.

In considering claims 6, 11-13, 19 and 22-24,

Regarding the predetermined time period set by a user. Hicks discloses a system, which includes the receipt of analog/digital broadcast signals, along with other signal sources such as a VCR and DVD player (col 5, line 25-35).

As stated above with respect to claim 1, when the system is turned off, the system computes, the burn-in rates of the display and the amount of time needed to correct for an uneven burn-in rate display.

It is also known that systems can employ user programmable settings, i.e. record, pay-per-view, display certain programs based upon a preselected/predetermined selection, in addition to users viewing habits. Therefore, the examiner takes "OFFICIAL NOTICE" regarding a system which allows a user to program a time (predetermined) which is set by the user, thus giving the user full control/functionality of the viewing system.

Based upon applicant's traversal, the incorporated Rosser (US 6,446,261) discloses a system which allows a viewer to record video as done conventionally or to grab pieces of data (i.e. last 5 minutes of a sports game).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Hicks and Takase which discloses a system which allows a user to view multiple sources, where Hicks corrects for displayed sources that create uneven burn-in rates, by providing the user the ability to set when programs are viewed/recorded as evidenced by Rosser in order to provide the user an enhanced/controllable viewing experience.

In considering claims 14-15 and 25-26,

Hicks does not disclose the method/sequence in displaying the corrective image relating to the luminance levels (i.e. 15, 30 and 60).

However, it is notoriously well known in the art that brightness/luminance levels typically are gain actuated where a display will increase from a dark state to a brighter state, where some systems employ manual and/or automatic control of the desired settings.

Thus regardless of the sequencing of the increase, whether in increments of 5 IRE, 10 IRE or doubling as claimed is dependent upon the type of display, preset/user adjustable settings and therefore bears no patentable weight, since the end result (a display with a predetermined luminance level) is the same, and thus derives no unexpected results.

In considering claims 28-29,

Rosser discloses that the customized burn-in may include/show statistics, showing football and baseball statistics, thus the broadest interpretation of a text message is met.

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Yenke whose telephone number is (571)272-7359. The examiner work schedule is Monday-Thursday, 0730-1830 hrs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, David L. Ometz, can be reached at (571)272-7593.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(571)-273-8300

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is

(703)305-HELP.

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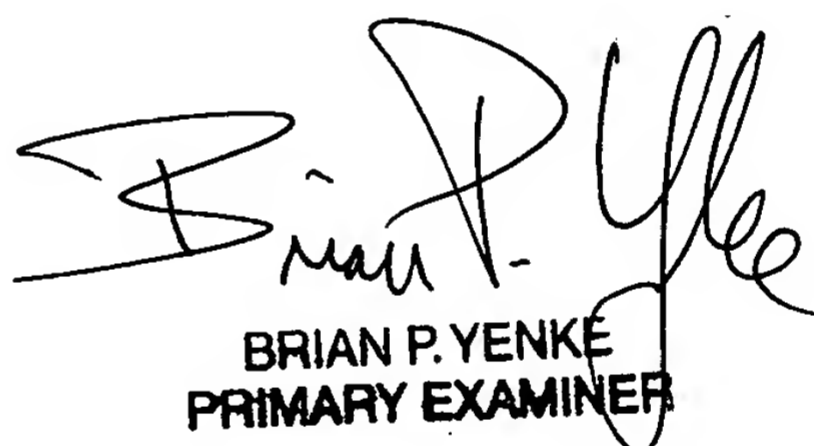
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B.P.Y.

04 May 2006



BRIAN P. YENKE
PRIMARY EXAMINER